



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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## Annual Report (2004)

### MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2004 was as follows:

John O. Olson	Lake Geneva	Chairperson
Joseph D. Kearney	Milwaukee	Vice-Chairperson
Mark J. Baker	Chippewa Falls	
Glenn E. Carr	Chicago	
Hon. Charles H. Constantine	Racine	
Carolyn Milanés Dejoie	Madison	
Dennis A. Danner	Franklin	
Robert J. Janssen	DePere	
Kevin Kelly	Madison	
Mary Beth Keppel	Madison	
Catherine M. Rottier	Madison	

During the course of the year, Carolyn Milanés Dejoie was appointed to serve as one of the Board's three lay members, for a term expiring December 31, 2007. At the close of the year, the terms of four Board members expired. Dean Joseph D. Kearney and Atty. Glenn E. Carr were eligible for reappointment, and the Court's reappointment of them to terms expiring December 31, 2007 is anticipated. Atty. Robert J. Janssen, whose second term expired December 31, 2004, had served two terms and was ineligible for reappointment. The Court's appointment of his successor to a three-year term expiring December 31, 2007 is anticipated. The Board re-elected Atty. John O. Olson as its Chairperson and Dean Joseph D. Kearney as its Vice-Chairperson for 2005.

The Board met five times in 2004 in Madison and once in DePere and, in addition, graded two bar examinations. The December Board meeting included a joint meeting with the Court, at which policy matters of common concern were discussed.

In 2004 the staff of the Board included the following persons:

Gene R. Rankin	Director
Ruth Janto-Wolter	Deputy Director
Jill Remy	Bar Application Manager (Bar Exam)
April Stegmann	Bar Application Manager (Diploma Privilege)
Ben Hopkins	Character and Fitness Investigator
Tammy McMillen	CLE Records Manager
Dianne Knipfer	Course Approval Coordinator (75%)
Toni Gilbertson	Program Assistant

### FUNDING SOURCES

The mandatory continuing legal education requirement was self-funded in fiscal year 2004 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$13.00 and \$6.50, respectively, as of July 1, 2004. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admission certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fees authorized by the Court were set September 1, 2000. For taking the Wisconsin Bar Examination ("WBE"), the fee was set at \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee was set at \$850; for diploma privilege character and fitness ("C&F") certification, the fee was set at \$210.00. Late fees were charged for late filings of WBE (\$200) and C&F (\$100) applications. The admission fee for all modes was set at \$100.00; and late fees for admissions were set at \$200.00. Revenues shown are actual revenues; they include all late filing fees and include 2005 fees received in 2004.

### CALENDAR 2004 MAJOR INCOME SOURCES

<u>CLE</u>	<u>Amount</u>
Revenue received from assessment	\$212,636.00
<i>Late fees received @ \$50 (581)</i>	\$ 29,050.00
<i>CLE Reinstatement fees @ \$100 (33)</i>	\$ 3,300.00
<i>Ch. 40 Reinstatement fees @ \$200 (28)</i>	\$ 5,350.00
<i>Ch. 40 Readmission fees @ \$200 (0)</i>	\$ <u>0.00</u>
TOTAL CLE	<u>\$250,336.00</u>

<u>Miscellaneous Income</u>	<u>Amount</u>
Bad checks (5)	\$ 100.00
Copies of applications (35)	\$ 350.00
Certified copies of applications (491)	\$ 588.00
Duplicate admission certificates (9)	\$ 450.00
Copies of prior essay questions (154)	\$ 6,090.00
MBE transfers (8)	\$ 200.00
Name changes (86)	\$ 2,150.00
 TOTAL MISCELLANEOUS	 \$ <u>9,928.00</u>

<u>Bar Admissions</u>	<u>Amount</u>
Bar examination filing fees (310)	\$154,660.00
Reciprocity filing fees (96)	\$ 91,450.00
Admission fees (690)	\$ 69,000.00
Diploma privilege C&F investigation fees (430)	<u>\$116,208.00</u>
 TOTAL ADMISSIONS	 \$ <u>431,318.00</u>
 TOTAL BBE INCOME	 \$ <u>691,852.00</u>

#### MANDATORY CONTINUING LEGAL EDUCATION

The 2004 calendar year was the year in which reports concerning compliance with the 2003-04 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. 7,782 lawyers admitted to practice law in Wisconsin in even-numbered years were obligated to comply with the requirement. 109 lawyers were suspended for non-compliance with CLE in 2004 for the 2002-2003 reporting cycle, and, of the 3,018 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,581 remained suspended at the end of calendar 2004.

In 2004, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 38 organizations. In addition, 8,193 activities were approved on a course-by-course basis, which was an increase of 1.4% from the previous year. 2695 activities were approved for ethics and professional responsibility (EPR), an increase of 8.5%. 11 Judicial Education courses were approved, nine fewer than the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 153 courses for GAL credit in 2004, which was an increase of 45.7% from the previous year. The Board began approving GAL courses under Chapter 36 on July 1, 2004, and approved 37 courses for GAL credit under this chapter in 2004.

The total number of all CLE activities sited in Wisconsin was 3,756, a decrease of 2.8% from the previous year. Approval was denied in 122 cases (up from 38), and EPR approval was denied in 356 cases (up from 326). Principal reasons for denial of approval were the failure to have a continuous hour of EPR, as required by SCR 31.07(5).

### MISCELLANEOUS ACTIONS

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	28
Chapter 31 reinstatements	33
Readmission following voluntary resignation from the bar	0
Name changes	86

### ADMISSION TO THE PRACTICE OF LAW

#### Diploma Privilege

The Board received 427 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 12% increase over the 382 applications filed in the previous year. 367 were certified to the Court and admitted in 2004, which number includes those who graduated in prior years but who were not certified nor admitted until 2004. This represents a 13.6% decrease over the 425 applicants admitted in the previous year.

No applicants withdrew their application. Six applicants' files were closed for lack of response; one of these was re-opened after appeal to the Board and remained open at the end of the year. Two previously certified applicant's certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The Board notified three applicants that it intended to deny their admission on character and fitness grounds. One requested a hearing, the hearing was granted and is pending. Findings and Conclusions denying admission were issued to two applicants. Neither appealed the denial to the Court.

One applicant filed complaints before the Wisconsin Department of Workforce Development (DWD) and the U.S. Equal Opportunity Commission (EOC), alleging discrimination in the Board's requirement that a psychological evaluation be obtained. The DWD complaint was dismissed; the EOC complaint is pending. This applicant also filed suit in federal district court, arguing the same; that suit awaits action on the Board's Motion to Dismiss. One applicant's file was closed and, during appeal to the Court, was reopened on the Board's motion.

### Wisconsin Bar Examination

The Board administered two bar examinations in 2004 to a total of 256 applicants. This represents a 13.8% decrease from the 297 applicants in the previous year. Statistical information is as follows:

<u>2004 Wisconsin Bar Examinations</u>	<u>Feb. 04</u>	<u>July 04</u>	<u>Total</u>
Applicants Writing Examination	89	167	256
Successful Examinees	64 (72%)	138 (83%)	210 (82%)
First-Time Takers	64	150	214
Successful First-Time Takers	44 (69%)	127 (85%)	171 (80%)

Of these, one examinee was from a non-ABA-approved law school.

The files of two applicants were closed for lack of response. The Board notified four examinees that it intended to deny their admission on character and fitness grounds. Hearings were granted to four applicants (one from 2003, one from 2004 which was granted *sua sponte*) and three were subsequently admitted. Findings and Conclusions denying admission were issued to one applicant from 2004.

### Admission on Reciprocity

In addition, the Board administered the rules for admission on reciprocity. In 2004 the Board received 96 applications under SCR 40.05. 18 pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the durational requirement or other inability to meet the reciprocity requirements of the relevant rules). Seven files were closed for lack of response. One previously-certified applicant's certification lapsed, for the reason that the applicant failed to be sworn in within a year of certification. The Board notified three applicants that it intended to deny their admission on durational grounds. Findings and Conclusions denying admission were issued to one applicant, while two were pending at the end of 2004. The principal source jurisdictions continued to be Minnesota and Illinois.

One applicant's denial from 2003 remains on appeal to the Court.

### Actual Admission

<u>Type of Admission</u>	<u>2000</u>	<u>Year of Admission</u>				<u>Change Since</u>
		<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2003</u>
Admission by Examination	183	224	234	205	211	(+2.9%)
Admission on Reciprocity	97	80	76	87	66	(-24.1%)
Admission by Diploma Privilege	<u>356</u>	<u>441</u>	<u>463</u>	<u>430</u>	<u>412</u>	<u>(-4.4%)</u>
TOTAL	636	745	773	722	689	(-4.6%)

### Denial of admission

The Board denies admission to the practice of law in Wisconsin by first notifying the applicant by letter that it intends to deny his or her admission, giving reasons therefore, and it provides a copy of the materials upon which the Board had based its decision. The applicant is provided a period in which to respond and, if desired, to request a hearing. A hearing shall be granted, according to Supreme Court rule, only upon a showing that there are facts bearing on the applicant's case that cannot be presented in writing. After receipt of the applicant's response and/or after hearing, the Board may then either clear the applicant or may issue Findings and Conclusions formally denying admission.

The Board issued letters indicating its intention to deny admission to 10 applicants in 2004. Board decisions or applicant responses are pending in 4 cases. Hearings were granted in 6 cases. The Board, as detailed above, cleared 5 applicants and issued Findings and Conclusions denying admission to 4 applicants in 2004, none of whom elected to appeal their denial. One appeal from 2003, the Board's decision having been upheld, was denied reconsideration by the Court. One appeal from 2003 was pending before the Court at the end of 2004.

Respectfully submitted,

Gene R. Rankin, Director  
Board of Bar Examiners

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